

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARICE BURTON, JR.,)	
)	
Plaintiff,)	Case No. 1:06-cv-329
)	
v.)	Honorable Wendell A. Miles
)	
JOHN RUBITSCHUN et al.,)	
)	
Defendants.)	
)	

JUDGMENT

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's action be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A.

IT IS FURTHER ORDERED that Plaintiff's supplemental state-law claim be DISMISSED WITHOUT PREJUDICE.

For the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. 28 U.S.C. § 1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g).

Dated: July 28, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge